



House of Representatives

General Assembly

File No. 436

February Session, 2012

Substitute House Bill No. 5034

House of Representatives, April 16, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RETIREMENT PROVISIONS RELATING TO JUDGES, FAMILY SUPPORT MAGISTRATES AND COMPENSATION COMMISSIONERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-49a of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) The right to a retirement salary, in accordance with the
5 provisions of this section, of any judge, family support magistrate or
6 compensation commissioner who is not eligible to retire under the
7 provisions of section 51-49i, as amended by this act, or 51-50a, as
8 amended by this act, which judge, family support magistrate or
9 compensation commissioner has completed ten years of service as
10 such, shall be vested and nonforfeitable.

11 (b) Any such judge or compensation commissioner who first
12 commenced service as a judge or compensation commissioner prior to

13 January 1, 1981, and who resigns (1) [prior to September 2, 2011] on or
14 before October 1, 2011, (2) prior to becoming eligible to retire under
15 section 51-50a, as amended by this act, and (3) after at least ten years of
16 service, shall receive, at such time as he would have been eligible to so
17 retire if he had continued in such service, as retirement salary,
18 annually, fifty per cent of the retirement salary he would have received
19 had he served until he was so eligible, plus ten per cent of such
20 retirement salary for each year of service beyond ten years but for not
21 more than five years of additional service.

22 (c) Any such judge, family support magistrate or compensation
23 commissioner who first commenced service as a judge, family support
24 magistrate or compensation commissioner on or after January 1, 1981,
25 and who resigns (1) [prior to September 2, 2011] on or before October
26 1, 2011, (2) prior to becoming eligible to retire under section 51-50a, as
27 amended by this act, and (3) after at least ten years of service, shall
28 receive, at such time as he would have been eligible to so retire if he
29 had continued in such service, annually, an amount equal to the
30 fraction of the retirement salary he would have received had he served
31 until he was so eligible [which] that corresponds to the ratio which the
32 number of years of his completed service bears to the number of years
33 of service which would have been completed at age sixty-five or
34 twenty years, whichever is less.

35 (d) Any such judge or compensation commissioner who first
36 commenced service as a judge or compensation commissioner prior to
37 January 1, 1981, and who resigns (1) on or after October 2, 2011, and
38 prior to July 1, 2022, (2) prior to becoming eligible to retire under
39 section 51-50a, as amended by this act, and (3) after at least ten years of
40 service, shall receive, at such time as he would have been eligible to so
41 retire, annually, an amount equal to the fraction of the retirement
42 salary he would have received had he been eligible to retire on the date
43 of his resignation that corresponds to the ratio that the number of years
44 of his completed service bears to the number of years of service that
45 would have been completed at sixty-five or twenty years, whichever is
46 less, and shall begin collecting such retirement salary not earlier than

47 at sixty-two years of age.

48 (e) Any such judge, family support magistrate or compensation
49 commissioner who first commenced service as a judge, family support
50 magistrate or compensation commissioner on or after January 1, 1981,
51 and prior to July 1, 2011, and who resigns (1) on or after October 2,
52 2011, and prior to July 1, 2022, (2) prior to becoming eligible to retire
53 under section 51-50a, as amended by this act, and (3) after at least ten
54 years of service, shall receive, at such time as he would have been
55 eligible to so retire, annually, an amount equal to the fraction of the
56 retirement salary he would have received had he been eligible to retire
57 on the date of his resignation that corresponds to the ratio that the
58 number of years of his completed service bears to the number of years
59 of service that would have been completed at sixty-five or twenty
60 years, whichever is less, and shall begin collecting such retirement
61 salary not earlier than at sixty-five years of age.

62 [(f) In determining the amount of retirement payments to be made
63 pursuant to subsections (b) to (e), inclusive, of this section, longevity
64 payments which would have been made if the judge, family support
65 magistrate or commissioner had continued to serve as a judge, family
66 support magistrate or commissioner from the date of resignation with
67 a vested right to a retirement salary shall not be included in the
68 computation.]

69 [(g)] (f) Any such judge, family support magistrate or compensation
70 commissioner who first commenced service as a judge, family support
71 magistrate or compensation commissioner on or after July 1, 2011, and
72 who resigns (1) prior to becoming eligible to retire under section 51-
73 49i, as amended by this act, or 51-50a, as amended by this act, and (2)
74 after at least ten years of service, shall receive, at such time as he
75 would have been eligible to so retire, annually, an amount equal to the
76 fraction of the retirement salary he would have received had he been
77 eligible to retire on the date of his resignation that corresponds to the
78 ratio that the number of years of his completed service bears to the
79 number of years of service that would have been completed at sixty-

80 five or twenty years, whichever is less, and shall begin collecting such
81 retirement salary not earlier than at sixty-five years of age.

82 (g) In determining the amount of retirement payments to be made
83 pursuant to subsections (b) to (f), inclusive, of this section, longevity
84 payments which would have been made if the judge, family support
85 magistrate or compensation commissioner had continued to serve as a
86 judge, family support magistrate or compensation commissioner from
87 the date of resignation with a vested right to a retirement salary shall
88 not be included in the computation.

89 Sec. 2. Section 51-49b of the 2012 supplement to the general statutes
90 is repealed and the following is substituted in lieu thereof (*Effective*
91 *from passage*):

92 (a) On January 1, 1982, and January first of each subsequent year,
93 each judge, family support magistrate or compensation commissioner
94 who first commenced service as a judge, family support magistrate or
95 compensation commissioner on or after January 1, 1981, and retired on
96 or before [September 2, 2011] October 1, 2011, shall be entitled, in
97 addition to the retirement salary to which such judge, family support
98 magistrate or commissioner was entitled under the provisions of
99 section 51-49a, as amended by this act, 51-50 or 51-50a, as amended by
100 this act, as of the December thirty-first immediately preceding, to an
101 additional percentage which reflects the increase, if any, in the
102 National Consumer Price Index for Urban Wage Earners and Clerical
103 Workers for the previous twelve-month period, provided such cost of
104 living allowance shall not exceed three per cent. Such cost of living
105 allowance shall be computed on the basis of the combined retirement
106 salary and cost of living allowances, if any, to which such judge, family
107 support magistrate or compensation commissioner was entitled as of
108 the December thirty-first immediately preceding.

109 (b) On January 1, 2012, and January first of each subsequent year,
110 each judge, family support magistrate or compensation commissioner
111 who [was in service] retires as a judge, family support magistrate or
112 compensation commissioner on or after [September 1, 2011, and retired

113 on or before the December thirty-first immediately preceding, shall be
114 entitled, in addition to the retirement salary to which such judge,
115 family support magistrate or compensation commissioner was entitled
116 under the provisions of section 51-49a, 51-50 or 51-50a, as of the
117 December thirty-first immediately preceding, to an additional
118 percentage which reflects the increase, if any, in the National
119 Consumer Price Index for Urban Wage Earners and Clerical Workers
120 for the previous twelve-month period, provided such cost of living
121 allowance shall not exceed two per cent. Such cost of living allowance
122 shall be computed on the basis of the combined retirement salary and
123 cost of living allowances, if any, to which such judge, family support
124 magistrate or compensation commissioner was entitled as of the
125 December thirty-first immediately preceding] October 2, 2011, shall
126 receive, in addition to the retirement salary to which such judge,
127 family support magistrate or compensation commissioner was entitled
128 under the provisions of section 51-49a, as amended by this act, 51-50 or
129 51-50a, as amended by this act, as of the December thirty-first
130 immediately preceding, a cost of living allowance equivalent to the
131 cost of living allowance applied to the retirement salary of members of
132 the state employees retirement system who retired on or after October
133 2, 2011, for the same period.

134 Sec. 3. Section 51-49c of the 2012 supplement to the general statutes
135 is repealed and the following is substituted in lieu thereof (*Effective*
136 *from passage*):

137 (a) On January 1, 1982, and January first of each subsequent year
138 until January 1, 2011, each surviving spouse of a deceased judge,
139 family support magistrate or [of a] compensation commissioner who
140 first commenced service as a judge, family support magistrate or
141 compensation commissioner on or after January 1, 1981, receiving an
142 allowance under the provisions of section 51-51, shall be entitled to an
143 additional cost of living allowance equal to the percentage which
144 reflects the increase, if any, in the National Consumer Price Index for
145 Urban Wage Earners and Clerical Workers for the previous twelve-
146 month period, provided such cost of living increase shall not exceed

147 three per cent. Such cost of living allowance shall be computed on the
148 basis of the combined retirement allowance and cost of living
149 allowance, if any, to which such surviving spouse was entitled as of
150 the December thirty-first immediately preceding.

151 (b) On January 1, 2012, and January first of each subsequent year,
152 each surviving spouse of a deceased judge, family support magistrate
153 or compensation commissioner who [first commenced service as a
154 judge, family support magistrate or compensation commissioner on or
155 after January 1, 1981, receiving an allowance under the provisions of
156 section 51-51, shall be entitled to an additional cost of living allowance
157 equal to the percentage which reflects the increase, if any, in the
158 National Consumer Price Index for Urban Wage Earners and Clerical
159 Workers for the previous twelve-month period, provided such cost of
160 living increase shall not exceed two per cent. Such cost of living
161 allowance shall be computed on the basis of the combined retirement
162 allowance and cost of living allowance, if any, to which such surviving
163 spouse was entitled as of the December thirty-first immediately
164 preceding] was in service as a judge, family support magistrate or
165 compensation commissioner on or after October 2, 2011, shall receive,
166 in addition to the retirement salary to which such judge, family
167 support magistrate or compensation commissioner was entitled under
168 the provisions of section 51-49a, as amended by this act, 51-50 or 51-
169 50a, as amended by this act, as of the December thirty-first
170 immediately preceding, a cost of living allowance equivalent to the
171 cost of living allowance applied to the retirement salary of members of
172 the state employees retirement system who retired on or after October
173 2, 2011, for the same period.

174 Sec. 4. Section 51-49f of the 2012 supplement to the general statutes
175 is repealed and the following is substituted in lieu thereof (*Effective*
176 *from passage*):

177 (a) For purposes of determining both the retirement salary of judges
178 who first commenced service as judges prior to January 1, 1981, and
179 the allowance payable to their surviving spouses under subsection (a)

180 of section 51-51, "salary for the office" shall be composed of the total of
181 the following amounts: The annual salary payable pursuant to
182 subsection (a) of section 51-47, as such salary may change from time to
183 time; and for judges to whom a longevity payment has been made or is
184 due and payable, in each instance under subsection (d) of section 51-
185 47, (1) one and one-half per cent of annual salary, as such salary may
186 change from time to time, for those who have completed ten or more
187 but less than fifteen years of service as a judge or other state service or
188 service as an elected official of the state or any combination of such
189 service, (2) three per cent of annual salary, as such salary may change
190 from time to time, for those who have completed fifteen or more but
191 less than twenty years of service as a judge or other state service or
192 service as an elected official of the state or any combination of such
193 service, (3) four and one-half per cent of annual salary, as such salary
194 may change from time to time, for those who have completed twenty
195 or more but less than twenty-five years of service as a judge or other
196 state service or service as an elected official of the state or any
197 combination of such service, and (4) six per cent of annual salary, as
198 such salary may change from time to time, for those who have
199 completed twenty-five or more years of service as a judge or other
200 state service or service as an elected official of the state or any
201 combination of such service.

202 (b) For purposes of determining both the retirement salary of judges
203 who first commenced service as judges on or after January 1, 1981, and
204 prior to July 1, 2011, and the allowance payable to their surviving
205 spouses, under subsection (b) of section 51-51, "salary" shall be
206 composed of the total of the following amounts: The annual salary
207 payable at the time of retirement or death, fixed in accordance with
208 subsection (a) of section 51-47; and for judges to whom a longevity
209 payment has been made or is due and payable, in each case under
210 subsection (d) of section 51-47, (1) one and one-half per cent of the
211 annual salary the judge was receiving at the time of retirement or
212 death, for those who have completed ten or more but less than fifteen
213 years of service as a judge or other state service or service as an elected
214 official of the state or any combination of such service, (2) three per

215 cent of the annual salary the judge was receiving at the time of
216 retirement or death, for those who have completed fifteen or more but
217 less than twenty years of service as a judge or other state service or
218 service as an elected official of the state or any combination of such
219 service, (3) four and one-half per cent of the annual salary the judge
220 was receiving at the time of retirement or death, for those who have
221 completed twenty or more but less than twenty-five years of service as
222 a judge or other state service or service as an elected official of the state
223 or any combination of such service, and (4) six per cent of the annual
224 salary the judge was receiving at the time of retirement or death, for
225 those who have completed twenty-five or more years of service as a
226 judge or other state service or service as an elected official of the state
227 or any combination of such service.

228 (c) For purposes of determining both the retirement salary of judges
229 who first commenced service as judges on or after July 1, 2011, and the
230 allowance payable to their surviving spouses, under subsection (b) of
231 section 51-51, "salary" shall be composed of the total of the following
232 amounts: The average annual salary for the five years next preceding
233 his or her retirement payable at the time of retirement or death, fixed
234 in accordance with subsection (a) of section 51-47; and for judges to
235 whom a longevity payment has been made or is due and payable, in
236 each case under subsection (d) of section 51-47, (1) one and one-half
237 per cent of the annual salary the judge was receiving at the time of
238 retirement or death, for those who have completed ten or more but less
239 than fifteen years of service as a judge or other state service or service
240 as an elected official of the state or any combination of such service, (2)
241 three per cent of the annual salary the judge was receiving at the time
242 of retirement or death, for those who have completed fifteen or more
243 but less than twenty years of service as a judge or other state service or
244 service as an elected official of the state or any combination of such
245 service, (3) four and one-half per cent of the annual salary the judge
246 was receiving at the time of retirement or death, for those who have
247 completed twenty or more but less than twenty-five years of service as
248 a judge or other state service or service as an elected official of the state
249 or any combination of such service, and (4) six per cent of the annual

250 salary the judge was receiving at the time of retirement or death, for
251 those who have completed twenty-five or more years of service as a
252 judge or other state service or service as an elected official of the state
253 or any combination of such service.

254 (d) Notwithstanding any provision of the general statutes, on [or]
255 and after [September 2, 2011] October 2, 2011, the retirement salary of
256 such judge [, family support magistrate or compensation
257 commissioner] shall not exceed the limits of Section 415 of the Internal
258 Revenue Code of 1986, or any subsequent corresponding internal
259 revenue code of the United States, as amended from time to time.

260 Sec. 5. Section 51-49g of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective from passage*):

262 (a) For purposes of determining both the retirement salary of
263 compensation commissioners who first commenced service as
264 compensation commissioners in a term commencing prior to January
265 1, 1981, and the allowance payable to their surviving spouses under
266 subsection (a) of section 51-51, "salary" shall be composed of the total
267 of the following amounts: The annual salary payable pursuant to
268 subsection (a) of section 31-277, as such salary may change from time
269 to time; and for compensation commissioners to whom a longevity
270 payment has been made or is due and payable, in each instance under
271 subsection (b) of section 31-277, (1) one and one-half per cent of annual
272 salary, as such salary may change from time to time, for those who
273 have completed ten or more but less than fifteen years of service as a
274 compensation commissioner, (2) three per cent of annual salary, as
275 such salary may change from time to time for those who have
276 completed fifteen or more but less than twenty years of service as a
277 compensation commissioner, (3) four and one-half per cent of annual
278 salary, as such salary may change from time to time, for those who
279 have completed twenty or more but less than twenty-five years of
280 service as a compensation commissioner, and (4) six per cent of annual
281 salary, as such salary may change from time to time, for those who
282 have completed twenty-five or more years of service as a

283 compensation commissioner.

284 (b) For purposes of determining both the retirement salary of
285 compensation commissioners who first commenced service as
286 compensation commissioners in a term commencing on or after
287 January 1, 1981, and prior to July 1, 2011, and the allowance payable to
288 their surviving spouses, under subsection (b) of section 51-51, "salary"
289 shall be composed of the total of the following amounts: The annual
290 salary payable at the time of retirement or death, fixed in accordance
291 with subsection (a) of section 31-277; and for compensation
292 commissioners to whom a longevity payment has been made or is due
293 and payable, in each case under subsection (b) of section 31-277, (1)
294 one and one-half per cent of the annual salary the compensation
295 commissioner was receiving at the time of retirement or death, for
296 those who have completed ten or more but less than fifteen years of
297 service as a compensation commissioner, (2) three per cent of the
298 annual salary the compensation commissioner was receiving at the
299 time of retirement or death, for those who have completed fifteen or
300 more but less than twenty years of service as a compensation
301 commissioner, (3) four and one-half per cent of the annual salary the
302 compensation commissioner was receiving at the time of retirement or
303 death, for those who have completed twenty or more but less than
304 twenty-five years of service as a compensation commissioner and (4)
305 six per cent of the annual salary the compensation commissioner was
306 receiving at the time of retirement or death, for those who have
307 completed twenty-five or more years of service as a compensation
308 commissioner.

309 (c) For purposes of determining both the retirement salary of
310 compensation commissioners who first commenced service as
311 compensation commissioners on or after July 1, 2011, and the
312 allowance payable to their surviving spouses, under subsection (b) of
313 section 51-51, "salary" shall be composed of the total of the following
314 amounts: The average annual salary for the five years next preceding
315 his or her retirement payable at the time of retirement or death, fixed
316 in accordance with subsection (a) of section 31-277; and for

317 compensation commissioners to whom a longevity payment has been
318 made or is due and payable, in each case under subsection (b) of
319 section 31-277, (1) one and one-half per cent of the annual salary the
320 compensation commissioner was receiving at the time of retirement or
321 death, for those who have completed ten or more but less than fifteen
322 years of service as a compensation commissioner or other state service
323 or service as an elected official of the state or any combination of such
324 service, (2) three per cent of the annual salary the compensation
325 commissioner was receiving at the time of retirement or death, for
326 those who have completed fifteen or more but less than twenty years
327 of service as a compensation commissioner or other state service or
328 service as an elected official of the state or any combination of such
329 service, (3) four and one-half per cent of the annual salary the
330 compensation commissioner was receiving at the time of retirement or
331 death, for those who have completed twenty or more but less than
332 twenty-five years of service as a compensation commissioner or other
333 state service or service as an elected official of the state or any
334 combination of such service, and (4) six per cent of the annual salary
335 the compensation commissioner was receiving at the time of
336 retirement or death, for those who have completed twenty-five or
337 more years of service as a compensation commissioner or other state
338 service or service as an elected official of the state or any combination
339 of such service.

340 (d) Notwithstanding any provision of the general statutes, on and
341 after October 2, 2011, the retirement salary of such compensation
342 commissioner shall not exceed the limits of Section 415 of the Internal
343 Revenue Code of 1986, or any subsequent corresponding internal
344 revenue code of the United States, as amended from time to time.

345 Sec. 6. Section 51-49i of the 2012 supplement to the general statutes
346 is repealed and the following is substituted in lieu thereof (*Effective*
347 *from passage*):

348 (a) For any judge, family support magistrate or compensation
349 commissioner retiring on or after July 1, 2022, the right to a retirement

350 salary in accordance with the provisions of this section shall vest and
351 be nonforfeitable when the judge, family support magistrate or
352 commissioner has attained the age of sixty-three years and twenty-five
353 years of service as a judge, family support magistrate or compensation
354 commissioner, or [sixty-two] sixty-five years and has served ten years
355 as a judge, family support magistrate or compensation commissioner
356 or has thirty years of state service credit under the provisions of
357 chapter 66, provided not less than ten years of such state service was
358 served as a judge, family support magistrate or compensation
359 commissioner, and provided such state service shall not be used for
360 retirement credit under said chapter 66. Any contributions made under
361 said chapter 66 shall be transferred to the Judges, Family Support
362 Magistrates and Compensation Commissioners Retirement Fund.

363 (b) Any judge, family support magistrate or compensation
364 commissioner who has been refunded contributions from the State
365 Employees Retirement Fund for any prior period of state service may
366 receive credit for such service upon repayment of such refunded
367 contributions with interest thereon at the rate of five per cent per year
368 from the date of refund to the date of payment. The amount of such
369 payment shall be transferred to the judges, family support magistrates
370 and compensation commissioners retirement system. A judge, family
371 support magistrate or commissioner may elect to retire at any time
372 thereafter.

373 [(c) Notwithstanding any provision of the general statutes, any
374 judge who has served for at least sixteen years as a judge and was
375 nominated by the Governor for a subsequent term but was not
376 reappointed and who has attained sixty-three years of age shall be
377 eligible to receive a retirement salary effective upon the expiration of
378 his term as a judge.]

379 (c) Each judge shall receive annually, as retirement salary, two-
380 thirds of the salary as defined in section 51-49f, as amended by this act,
381 at the time of his or her retirement; each compensation commissioner
382 shall receive annually, as retirement salary, two-thirds of the salary as

383 defined in section 51-49g, as amended by this act, and each family
384 support magistrate shall receive, annually as retirement salary, two-
385 thirds of the salary as defined in section 46b-233a, as amended by this
386 act; except that, if a judge, compensation commissioner or family
387 support magistrate has served fewer than ten years at the time of his or
388 her retirement under this section, his or her retirement salary shall be
389 reduced in the ratio that the number of years of his or her completed
390 service bears to the number of years of service that would have been
391 completed at age seventy or ten years, whichever is less.

392 Sec. 7. Section 46b-233a of the 2012 supplement to the general
393 statutes is repealed and the following is substituted in lieu thereof
394 (*Effective from passage*):

395 (a) Each family support magistrate who had elected under the
396 provisions of subdivision (2) of subsection (i) of section 46b-231 shall,
397 for retirement purposes, be entitled to credit for any or all the prior
398 years of service accrued by him on June 22, 1992, while serving in the
399 office of family support magistrate, provided such magistrate shall pay
400 to the Comptroller five per cent of the salary for his office for each
401 prior year of service he claims for retirement credit. Each such
402 magistrate shall be entitled to have his retirement contributions to the
403 state employees retirement system under chapter 66 credited toward
404 the payment due for the prior year or years of service he claims for
405 retirement credit under this section.

406 (b) For purposes of determining both the retirement salary of family
407 support magistrates who first commenced service prior to July 1, 2011,
408 and the allowance payable to their surviving spouses under subsection
409 (b) of section 51-51, "salary" shall be composed of the total of the
410 following amounts: The [average] annual salary [for the five years next
411 preceding his or her retirement] payable at the time of retirement or
412 death, fixed in accordance with subsection (h) of section 46b-231; and
413 for family support magistrates to whom a longevity payment has been
414 made or is due and payable, in each case under section [51-51] 46b-233
415 (1) one and one-half per cent of the annual salary the family support

416 magistrate was receiving at the time of retirement or death, for those
417 who have completed ten or more but less than fifteen years of service
418 as a family support magistrate, (2) three per cent of the annual salary
419 the family support magistrate was receiving at the time of retirement
420 or death, for those who have completed fifteen or more but less than
421 twenty years of service as a family support magistrate, (3) four and
422 one-half per cent of the annual salary the family support magistrate
423 was receiving at the time of retirement or death, for those who have
424 completed twenty or more but less than twenty-five years of service as
425 a family support magistrate, and (4) six per cent of the annual salary
426 the family support magistrate was receiving at the time of retirement
427 or death, for those who have completed twenty-five or more years of
428 service as a family support magistrate.

429 (c) For purposes of determining both the retirement salary of family
430 support magistrates who first commenced service as family support
431 magistrates on or after July 1, 2011, and the allowance payable to their
432 surviving spouses, under subsection (b) of section 51-51, "salary" shall
433 be composed of the total of the following amounts: The average annual
434 salary for the five years next preceding his or her retirement payable at
435 the time of retirement or death, fixed in accordance with subsection (h)
436 of section 46b-231; and for family support magistrates to whom a
437 longevity payment has been made or is due and payable, (1) one and
438 one-half per cent of the annual salary the family support magistrate
439 was receiving at the time of retirement or death, for those who have
440 completed ten or more but less than fifteen years of service as a family
441 support magistrate, (2) three per cent of the annual salary the family
442 support magistrate was receiving at the time of retirement or death, for
443 those who have completed fifteen or more but less than twenty years
444 of service as a family support magistrate, (3) four and one-half per cent
445 of the annual salary the family support magistrate was receiving at the
446 time of retirement or death, for those who have completed twenty or
447 more but less than twenty-five years of service as a family support
448 magistrate, and (4) six per cent of the annual salary the family support
449 magistrate was receiving at the time of retirement or death, for those
450 who have completed twenty-five or more years of service as a family

451 support magistrate.

452 [(c)] (d) Notwithstanding any provision of the general statutes, on
453 [or] and after [September 2, 2011] October 2, 2011, the retirement salary
454 of such [judge,] family support magistrate [or compensation
455 commissioner] shall not exceed the limits of Section 415 of the Internal
456 Revenue Code of 1986, or any subsequent corresponding internal
457 revenue code of the United States, as amended from time to time.

458 Sec. 8. (NEW) (*Effective from passage*) On or before July 1, 2013,
459 judges who are in service on the effective date of this section may
460 make a one-time irrevocable election to begin paying the actuarial
461 pension cost of maintaining the normal retirement eligibility existing
462 in the present plan on the effective date of this section, but which is
463 scheduled to change effective July 1, 2022. The cost of making such an
464 election shall be established by the plan's actuaries and such cost shall
465 be communicated to judges by the Retirement Division of the Office of
466 the Comptroller. The irrevocable election shall be made on a form
467 prescribed by the State Employees Retirement Commission and shall
468 indicate the judge's election to participate or not participate. In the
469 event a judge fails to make an election on or before July 1, 2013, he or
470 she shall not be eligible to participate. In the event a judge makes a
471 successful claim to the State Employees Retirement Commission of
472 agency error, such judge shall make payments in accordance with the
473 state's usual practice.

474 Sec. 9. Subdivision (1) of subsection (a) of section 51-50a of the
475 general statutes is repealed and the following is substituted in lieu
476 thereof (*Effective from passage*):

477 (a) (1) The right of any judge, family support magistrate or
478 compensation commissioner retiring prior to July 1, 2022, to a
479 retirement salary in accordance with the provisions of this section shall
480 vest and be nonforfeitable when the judge, family support magistrate
481 or compensation commissioner has attained the age of sixty-five years,
482 or has served twenty years as a judge, family support magistrate or
483 compensation commissioner or has thirty years of state service credit

484 under the provisions of chapter 66, provided not less than ten years of
 485 such state service was served as a judge, family support magistrate or
 486 compensation commissioner, and provided such state service shall not
 487 be used for retirement credit under chapter 66. Any contributions
 488 made under chapter 66 shall be transferred to the Judges, Family
 489 Support Magistrates and Compensation Commissioners Retirement
 490 Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	51-49a
Sec. 2	<i>from passage</i>	51-49b
Sec. 3	<i>from passage</i>	51-49c
Sec. 4	<i>from passage</i>	51-49f
Sec. 5	<i>from passage</i>	51-49g
Sec. 6	<i>from passage</i>	51-49i
Sec. 7	<i>from passage</i>	46b-233a
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	51-50a(a)(1)

Statement of Legislative Commissioners:

In section 5(c), the internal reference to "subsection (a) of section 51-47" was changed to "subsection (a) of section 31-277", and the internal reference to "subsection (d) of section 51-47" was changed to "subsection (b) of section 31-277" for accuracy. In section 7(b), the second reference to section "51-51" was changed to "[51-51] 46b-233" for accuracy.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact as it makes technical changes to last year's modifications of the statutes governing retirement pensions of judges, family support magistrates and worker's compensation commissioners. The changes in statute were made as a result of the Revised SEBAC 2011 Agreement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5034*****AN ACT CONCERNING RETIREMENT PROVISIONS RELATING TO JUDGES, FAMILY SUPPORT MAGISTRATES AND COMPENSATION COMMISSIONERS.*****SUMMARY:**

This bill makes numerous changes to the retirement benefits and requirements for judges, family support magistrates, and compensation commissioners, whose retirement system is separate from the State Employees Retirement System (SERS). This system has its own pension fund, is governed by statute, and is not subject to collective bargaining.

The bill:

1. changes how cost of living adjustments (COLAs) are calculated and, after this year, ends COLAs for the surviving spouses of those officials who retired or died in office before October 1, 2011;
2. changes how retirement benefits are calculated for (a) compensation commissioners who began serving on or after July 1, 2011, and (b) family support magistrates who began serving before July 1, 2011;
3. increases retirement age requirements for officials with at least ten, but less than 25, years of service;
4. allows judges to maintain their current retirement requirements by increasing their contributions to the retirement system; and
5. makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

COST OF LIVING ADJUSTMENTS

The law provides an annual COLA to the pensions received by retired judges, family support magistrates, and compensation commissioners. Under current law, the COLA matches the previous year's increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), up to 3% for those officials who retired on or before September 2, 2011. The bill extends this retirement date threshold to October 1, 2011.

Current law allows a 2% maximum COLA for those officials who were in service on or after September 1, 2011. The bill removes the 2% limit and instead sets the COLA for any official who retires after October 1, 2011, as the same as those for retired state employees in SERS who retire after October 1, 2011. The COLA for these SERS employees must be between 2% and 7.5% and calculated as 60% of the annual CPI-W increase, up to 6%, plus 75% of any annual CPI-W increase over 6%.

Surviving Spouse Colas

The law also provides COLAs to the surviving spouses of deceased judges, family support magistrates, and compensation commissioners eligible for retirement benefits. For the surviving spouses of those officials who began serving after January 1, 1981, current law limits the COLA to a 3% increase through 2011, and a 2% increase after January 1, 2012.

The bill ends COLAs for any surviving spouse whose deceased spouse did not serve as a judge, family support magistrate, or compensation commissioner after October 1, 2011. Under the bill, COLAs for the surviving spouses of officials who serve after that date must be the same as the COLAs given to SERS retirees who retire after October 1, 2011.

COMPENSATION COMMISSIONERS

By law, a compensation commissioner's retirement benefit and the

allowance paid to a surviving spouse is based on the commissioner's salary. For those who began serving after January 1, 1981, current law bases the benefit on the annual salary the commissioner was receiving at the time of his or her retirement or death. For retired compensation commissioners who received longevity payments, the law also provides a benefit increase based on the amount of time served as a compensation commissioner.

Under the bill, the retirement and surviving spouse benefit for compensation commissioners who begin serving on or after July 1, 2011 is based on the commissioner's average annual salary over the five years immediately preceding his or her retirement or death. The bill also broadens the service time used to calculate their longevity benefit increase to include the commissioner's total state service and service as an elected official.

FAMILY SUPPORT MAGISTRATES

PA 11-61 changed the definition of the "salary" used to determine the retirement benefits paid to all family support magistrates and their surviving spouses from the annual salary payable at the time of retirement to the magistrate's average annual salary over the five years preceding his or her retirement or death. The bill returns magistrates who began serving before July 1, 2011 to the prior definition of salary (the annual salary payable at the time of retirement) and applies PA 11-61's definition (average annual salary over the five years preceding retirement) only to those magistrates who began serving on or after July 1, 2011. As under current law, retired family support magistrates who received longevity payments receive a benefit increase based on the amount of time served as a family support magistrate, regardless of when they began serving.

SERVICE AND AGE REQUIREMENTS

PA 11-61 established new service and age requirements for judges, family support magistrates, and compensation commissioners who retire on or after July 1, 2022, requiring them to have either (1) 25 years of service and be at least 63 years old or (2) 10 years of service and be

at least 62 years old, to qualify for a normal retirement benefit. The bill increases the age requirement, from 62 to 65, for those officials with at least 10, but less than 25, years of service.

The bill eliminates eligibility for a retirement salary for a judge retiring on or after July 1, 2022 who does not meet these requirements but (1) is at least age 63, (2) served at least 16 years as a judge, (3) was nominated by the governor for another term, and (4) was not reappointed. (An identical provision remains in statute for judges who retire before July 1, 2022 (CGS § 51-50a(a)(3)).

The bill also specifies that for judges, family support magistrates, and compensation commissioners retiring on or after July 1, 2022, (1) the normal retirement benefit is two-thirds of their “salary,” as defined in the bill and various statutes, and (2) the benefit for officials who retire with less than 10 years of service is reduced by the ratio an official’s completed service years has to the lesser of either the number of service years the official would have had at age 70 or 10 years. Current law applies the same provisions to officials retiring before July 1, 2022.

OPTION TO MAINTAIN CURRENT REQUIREMENTS

The bill allows judges who are serving when it is enacted to make a one-time irrevocable decision to maintain their current normal retirement requirements, regardless of the changes scheduled to occur on July 1, 2022, by increasing their contributions to the retirement system. The amount of the increase must be the actuarial pension cost of maintaining eligibility in the existing plan, as determined by the retirement system’s actuaries and provided to the judges by the Retirement Division of the Office of the State Comptroller. The bill requires the State Employees Retirement Commission to prescribe the form used to indicate a judge’s decision. Judges must decide to participate by July 1, 2013. Judges who make a successful agency error claim to the State Employees Retirement Commission must make payments according to the state’s usual practice.

REDUCED BENEFITS FOR OFFICIALS WHO RESIGN

Under current law, judges, family support magistrates, and compensation commissioners can receive a reduced retirement benefit if they resign after serving for at least 10 years, but prior to meeting normal retirement requirements. The bill specifies that the reduced benefit for any officials who resign after October 1, 2011 is calculated as a fraction of the benefit they would have received if they had been eligible for normal retirement when they resigned. This fraction is the ratio between an official's completed service years and the lesser of either the number of service years the official would have had at age 65 or twenty years. The bill also makes minor and technical changes to these provisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/28/2012)